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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,008	08/24/2001	Clark I. Bright	56760US008	3576

7590 08/23/2005

Office of Intellectual Counsel  
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PO Box 33427  
St. Paul, MN 55133-3427

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/939,008	Applicant(s) BRIGHT, CLARK I.	
	Examiner Monique R. Jackson	Art Unit 1773	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39,40,50,73-76 and 79-146 is/are pending in the application.  
     4a) Of the above claim(s) 39,40,50,73-76,84-99 and 101-146 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 79-83 and 100 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/05 &amp; 7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I, Claims 79-83 and 100, in the reply filed on 6/3/05 is acknowledged. Claims 84-99, 101, 104-108, 110-114, and 146 have been withdrawn from further consideration. Claims 39, 40, 50, 73-76, 102, 103, 109 and 115-145 were previously withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 79-83 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-48515 (JP'515.) JP'515 teaches a transparent conductive film used for EL or light emitting displays wherein the transparent conductive film provides an improved barrier for the display. JP'515 teaches that the transparent conductive film is formed by depositing a vacuum-evaporated, plasma polymerized polymer layer onto the surface of either a substrate film such as a polyester film or the transparent conductive film or both wherein the transparent conductive film is indium oxide or tin-doped indium oxide (ITO) and is formed on the polyester film (Page 4-6 of English Translation.) JP'515 further teach that after forming the transparent conductive film and the plasma polymerized polymer layer(s) on the substrate, additional layers including a light emitting layer, a dielectric layer, and a back electrode layer are formed followed by a protective film covering the entire laminate, wherein the transparent conductive film or electrode is connected to the rear electrode to achieve light emission (Pages 4 and 7.) JP'515 does not specifically teach that the laminate comprises two transparent conductive oxide films separated

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by the plasma polymerized polymer layer, however, one having ordinary skill in the art at the time of the invention would have been motivated to determine the optimum number of barrier layers to provide the desired barrier properties for the display. In addition, it would have been obvious to one having ordinary skill in the art to utilize the same transparent conductive oxide film for both electrodes wherein JP'515 teaches that a plasma polymerized layer is formed over the first transparent electrode layer between the electrodes as discussed above. With respect to claim 81, though JP'515 teaches that a protective resin film such as trifluorochloroethylene is provided over the entire laminate, one having ordinary skill in the art at the time of the invention would have been motivated to utilize any conventional resin film typically utilized in the art as a protective layer, such as an acrylic hardcoat, in producing the laminate taught by JP'515. JP'515 does not specifically teach a sheet resistance as instantly claimed, however, considering the laminate taught by JP'515 is a light emitting device as instantly claimed, one skilled in the art would have been motivated to utilize routine experimentation to determine the desired sheet resistance for the transparent conductive oxide layer wherein one would expect the value to fall within the instantly claimed range in order to provide the desired electrode properties for light emission. Lastly, with respect to Claim 100, the Examiner takes the position that the invention taught by JP'515 includes a device comprising two sides wherein the first side has the TCO/plasma polymerized barrier and the other side has multiple layers comprising the protective film, i.e. "A" composite barrier, and hence reads upon the instant claim considering the claim recites "wherein the device has two sides each of which is protected by a composite barrier".

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*Response to Arguments*

4. Applicant's arguments filed 2/16/05 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/26/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
August 18, 2005